CLASSIFICATION OFFICE DECISION

Title of publication:	Best Of Hustler 17
Other known title(s):	Best Of Hustler Presents Hustler's Girls Of Myspace No. 3 Best Of Hustler (US Edition) Number 17
OFLC ref:	0901519.000
Medium:	Magazine
Editor:	Larry Flynt
Publisher:	LFP Publishing Group LLC
Country of origin:	United States
Language:	English
Applicant:	Gordon & Gotch
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	None
Display conditions:	Either That when the publication is on public display, the classification given to the publication must be shown by way of a label issued in accordance with a direction under section 36A(2); and That the label must be affixed to the package in which the publication is displayed so that the classification is brought to the attention of purchasers; and That the publication must be publicly displayed only in a sealed package. The package must be made of opaque material. Or That when the publication is on public display, the classification given to the publication must be shown by way of a label issued in accordance with a direction under section 36A(2);

and

That the label must be affixed to the front of the publication in such a manner that it is visible at all times;

and

The publication must be publicly displayed only in premises, or a part of premises, set aside for the public display of restricted publications (whether or not articles other than restricted publications are also displayed in those premises or that part of those premises).

Date of entry in Register: 17 December 2009

Date of direction to issue a label: 17 December 2009

Summary of reasons for decision:

The publication is a glossy 100 page magazine published by Larry Flynt's company in the United States. The dominant effect of the magazine as a whole is of its brash attitude to its largely sexual material. The pages are crowded with brightly coloured images and text.

The magazine requires restriction to adults because of its numerous explicitly sexual images and text. This material, some of which has a degrading sexual tone, is likely to disturb children and to detrimentally influence young people's attitudes. Adults are able to put these elements into context within the magazine, because of experience and maturity which teenagers and children do not possess. Therefore it is restricted to an audience aged 18 years of age and over.

This restriction interferes with the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990. This limitation is demonstrably justified in a free and democratic society, given the likely injury to the public good if the magazine were available to children and young persons.